

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
DIVISION

No. 5:22-CV-276-D-BM

NORTH CAROLINA GREEN PARTY, )  
ANTHONY NDEGE, MICHAEL )  
TRUDEAU, MATTHEW HOH, )  
SAMANTHA WORRELL, SAMANTHA )  
SPENCE, K. RYAN PARKER AND )  
AARON MOHAMMED, )

Plaintiffs, )

v. )

NORTH CAROLINA STATE BOARD OF )  
ELECTIONS and DAMON CIRCOSTA, )  
STELLA ANDERSON, JEFF CARMON, )  
STACY EGGERS IV, TOMMY TUCKER, )  
and KAREN BRINSON BELL, in their )  
official capacities as members or employees )  
of the North Carolina State Board of )  
Elections, )

Defendants. )

**DECLARATION OF ANTHONY NDEGE**  
**IN SUPPORT OF PLAINTIFFS'**  
**EMERGENCY MOTION FOR**  
**PRELIMINARY INJUNCTION**

1. I, Anthony Ndege, hereby declare under oath and subject to the penalty of perjury that the following is true and correct to the best of my knowledge.

2. I am a registered voter in the State of North Carolina.

3. I am Co-Chair of the North Carolina Green Party ("NCGP").

4. I signed a petition to qualify NCGP as a new political party under North Carolina law and to enable the party to place its nominees on North Carolina's November 8, 2022 general election ballot.

5. I circulated petitions to gather voters' signatures to qualify NCGP as a new political party under North Carolina law. As Co-Chair of NCGP, I also helped to organize and train other petition circulators to ensure their compliance with North Carolina law.

**NCGP's Petition Drive to Qualify as a New Party in 2022**

6. To qualify as a new party in 2022 under North Carolina law, NCGP was required to submit petitions to the North Carolina State Board of Elections ("NCSBE") containing at least 13,865 valid signatures by 12 PM on June 1, 2022.

7. NCGP conducted its petition drive to qualify as a new party in North Carolina's 2022 general election in cooperation with the campaign for our nominee for United States Senate, Matthew Hoh ("the Hoh Campaign").

8. Our petition drive was completed almost exclusively by dedicated volunteers or supporters of NCGP or the Hoh Campaign who were paid a stipend.

9. We relied primarily on our dedicated volunteers and supporters because they share our political goals and desire to see NCGP as a qualified political party and its candidates on North Carolina's ballot. We knew that such individuals would be trustworthy and diligent in their petitioning efforts because they are personally invested in NCGP and the Hoh Campaign.

10. Nevertheless, we provided extensive guidance and training for our petitioners throughout the petition drive. For example, we provided our petitioners with detailed written instructions on how to petition lawfully, professionally and effectively. These instructions remain available on NCGP's website at <http://www.ncgreenparty.org/instructions>.

11. Additionally, NCGP conducted weekly videoconferences with our petitioners to ensure their compliance with our instructions and state law and to address any issues that might arise during the course of their petitioning.

12. During the petition drive, we submitted petitions to county boards of election on a rolling basis. From at least September 2021 through June 1, 2022, there were several instances when county election boards took far longer than the two weeks permitted under state law to validate signatures and return the original signatures to NCGP. In some cases, county boards of elections took months to validate and return them.

13. On or before the statutory deadline of May 17, 2022, NGCP and the Hoh Campaign submitted our petitions to county boards of elections for validation. Several county boards of elections did not return the validated petitions to us within the two-week period required by statute.

14. Some county boards of elections, such as Guilford County, were still validating signatures on petitions that we submitted prior to the May 17, 2022, 5 p.m. statutory deadline after June 1, 2022.

15. The Mecklenburg County Board of Elections, for example, did not return original petition sheets that we had submitted months earlier until June 16, 2022.

16. On May 27, 2022, NCSBE Associate General Counsel Paul Cox sent NCGP an email stating that county boards of elections had been granted extra time to validate signatures on NCGP's petitions. Many counties had not yet returned NCGP's petitions to us.

17. Nonetheless, at 10 AM on June 1, 2022, NCGP Secretary Michael Trudeau and I delivered NCGP's petitions, as validated by county boards of elections, to NCSBE.

18. On the evening of May 31, 2022 – the night before Mr. Trudeau and I delivered NCGP's petitions to NCSBE – NCSBE's "Petition Search" page on its website indicated that NCGP had submitted a total of 21,764 signatures to county boards of elections, and that the county boards of election had validated 16,145 signatures on the petitions. A screenshot of NCSBE's "Petition Search" page taken on that evening is attached hereto as Exhibit A. *See* North Carolina

Board of Elections, Petition Search (North Carolina Green Party), *available at* <https://vt.ncsbe.gov/PetLkup/PetitionResult/?CountyID=0&PetitionName=NORTH%20CAROLINA%20GREEN%20PARTY>.

19. Prior to delivering our petitions to NCSBE, NCGP requested the opportunity to meet with NCSBE when we made the delivery, so that we could review the petitions with NCSBE and identify any questions or issues that might arise. NCSBE attorney Paul Cox advised that NCSBE Tiffany Holden would be there to meet us. When Mr. Trudeau and I arrived on June 1, 2022, however, Ms. Holden declined to meet with us, stating that we had not scheduled a meeting.

**Fraud and Harassment Perpetrated Against NCGP's Petition Signers By Individuals Seeking to Remove Their Names From NCGP's Petitions**

20. On June 3, 2022, Amelia Brown submitted a public records request to NCSBE, which sought copies of NCGP's petitions and other information and materials relating to NCGP's petition drive. On information and belief, Ms. Brown is an intern in the office of North Carolina Governor Roy Cooper, a Democrat. *See, e.g.*, Amelia Brown, J.D. Candidate at UNC School of Law, *available at* [linkedin.com/in/amelia-brown-5550b8133](https://www.linkedin.com/in/amelia-brown-5550b8133) (identifying Amelia Brown as "Legal Intern, North Carolina Office of the Governor") (accessed July 19, 2022).

21. On June 7, 2022, Elizabeth Poston, an attorney with Elias Law Group, submitted a public records request to NCSBE, which sought copies of NCGP's petitions and other information and materials relating to NCGP's petition drives. Attorney Poston submitted another request seeking similar materials on June 17, 2022.

22. On June 23, 2022, NCGP submitted its own public records request to NCSBE for materials relating to the NCGP petition drive, and obtained an Excel spreadsheet listing the public records requests filed by Amelia Brown and Attorney Poston and including the specific language used in their requests. A true and correct copy of that spreadsheet is attached hereto as Exhibit B,

except that the spreadsheet has been modified to hide personal identifiers and irrelevant data and converted to a PDF.

23. Attorney Poston's public records requests contain substantial portions of language that is identical to the language contained in Amelia Brown's prior request. The full text of each request is as follows:

Amelia Brown Request (June 3, 2022)

Dear Sir or Madam: Pursuant to Chapter 132 of the General Statutes of North Carolina (the North Carolina Public Records Act), I hereby request the following information and data related to the Green Party's petition to become a recognized political party during the 2021-2022 election cycle: · Copies of all petition pages submitted to the State Board of Elections on or before June 1, 2022 in support of the Green Party's recognition as a political party in North Carolina, showing the check marks placed by county election boards next to each verified signature pursuant to N.C. Gen. Stat. § 163-96(c); · Copies of all certificates signed by county election boards and submitted to the State Board of Elections on or before June 1, 2022, reflecting the county election board's tally of the number of verified signatures in support of recognition of the Green Party each county; and · Any other documents submitted to the State Board of Elections either by a county or the Green Party in support of the Green Party's recognition as a political party on or before June 1, 2022. Where applicable, electronic formats of documents (e.g., .txt, .xls, .xlsx, .csv, .dbf) are preferred. If documents, information, or data can be emailed, please email them to [REDACTED]. If the requested records are too voluminous to transmit by email but can be copied onto an electronic storage medium, please tell me immediately and I will provide you with blank storage media suitable for copying. If documents, information, or data cannot be emailed, please let me know via email or phone and I will send someone to your office to pick them up. North Carolina law requires that all custodians of public records, including county boards of elections, be responsive to a public records request "as promptly as possible" and be prepared to make the records available for inspection to any person at all reasonable times. N.C. Gen. Stat. § 132-6(a). Accordingly, if you anticipate being unable to comply with any part of this request by the close of business on June 3, 2022, please let me know immediately. If you intend to deny this request in whole or in part, please advise me in writing of the particular statutory exemption upon which you are relying or other basis for your denial. If any part of the record is deemed to be confidential, please produce the portion that is not confidential. Please produce all records you can provide as they become available on a rolling basis, even if you conclude that you are unable to comply with certain parts of the request. Please inform me of any charges associated with these requests and the method of payment requested. If you have any questions or concerns, please do not hesitate to email me at [REDACTED] or call at [REDACTED].

Attorney Poston Request (June 7, 2022)

Pursuant to Chapter 132 of the General Statutes of North Carolina (the North Carolina Public Records Act), I hereby request the following information and data related to the Green Party's petition to become a recognized political party: · A copy of any and all Petition Request Forms submitted by the Green Party in connection with its petition to become a recognized political party in either 2022 or 2024; · Any and all correspondence between Green Party representatives and State Board of Elections staff regarding Green Party's petition to become a recognized political party in either 2022 or 2024; · Any and all training materials, manuals, election administration procedural documents, and other guidance documents related to reviewing a petition to become a recognized political party which have been provided by the State Board of Elections to county election boards; · Copies of any revised or amended petitions pages or certificates signed by county election boards and submitted to the State Board of Elections after June 1, 2022, reflecting any changes to the county election boards' tally of the number of verified signatures in support of recognition of the Green Party; and · Any and all correspondence between county election boards and the State Board of Elections regarding changes made to the county election boards' tally of the number of verified signatures in support of recognition of the Green Party. North Carolina law requires that all custodians of public records, including county boards of elections, be responsive to a public records request "as promptly as possible" and be prepared to make the records available for inspection to any person at all reasonable times. N.C. Gen. Stat. § 132-6(a). Accordingly, if you anticipate being unable to comply with any part of this request by the close of business on June 9, 2022, please let me know immediately. If you intend to deny this request in whole or in part, please advise me in writing of the particular statutory exemption upon which you are relying or other basis for your denial. If any part of the record is deemed to be confidential, please produce the portion that is not confidential. Please produce all records you can provide as they become available on a rolling basis, even if you conclude that you are unable to comply with certain parts of the request. Please inform me of any charges associated with these requests and the method of payment requested. If you have any questions or concerns, please do not hesitate to email me at the contact information listed below.

Attorney Poston Request (June 17, 2022)

Pursuant to Chapter 132 of the General Statutes of North Carolina (the North Carolina Public Records Act), I hereby request the following information and data related to the Green Party's petition to become a recognized political party: · Any and all correspondence between North Carolina State Board of Elections staff and County Boards of Elections staff on or after May 17, 2022 regarding the receipt of petitions submitted by the Green Party to become a recognized political party in either 2022 or 2024 including, but not limited to, emails related to (1) petitions submitted to the County Boards of Elections after the May 17, 2022 deadline, or (2) petitions submitted to the State Board of Elections after the June 1 deadline; · With regard to my prior request for "Any and all correspondence between Green Party representatives and State Board of Elections staff regarding Green Party's petition to become a recognized political party in either 2022 or 2024," please conduct a search for any emails sent or received by State Board of Elections

personnel on or after February 5, 2021 through the present day which were sent to or from, or included any reference to: Tony Ndege [REDACTED] Wayne Turner [REDACTED] Tommie James [REDACTED] Jan Martell Janet Martell [REDACTED] Kevin E. Hayes [REDACTED] Matthew Hoh North Carolina law requires that all custodians of public records, including county boards of elections, be responsive to a public records request “as promptly as possible” and be prepared to make the records available for inspection to any person at all reasonable times. N.C. Gen. Stat. § 132-6(a). Accordingly, if you anticipate being unable to comply with any part of this request by the close of business on June 20, 2022, please let me know immediately. If you intend to deny this request in whole or in part, please advise me in writing of the particular statutory exemption upon which you are relying or other basis for your denial. If any part of the record is deemed to be confidential, please produce the portion that is not confidential. Please produce all records you can provide as they become available on a rolling basis, even if you conclude that you are unable to comply with certain parts of the request.

24. On or about June 22, 2022, NCGP began receiving reports from voters who signed NCGP’s petitions, who stated that they were receiving multiple phone calls and text messages daily from unknown individuals who requested that they remove their names from the NCGP petitions. The voters advised NCGP that the individuals contacting them stated that they were making the request because the Green Party “takes votes” from Democrats. In some instances, the individuals declined to identify themselves; in others, they stated that they were calling on behalf of the Democratic Senatorial Campaign Committee (“DSCC”); and in still other instances the individuals fraudulently claimed to be representatives of the Green Party.

25. NCGP did not contact any NCGP petition signers after they signed NCGP’s petitions. Instead, we expressly directed our petition circulators to assure petition signers that we would not do so, and we were careful to honor that commitment.

26. On June 27, 2022, NCGP received an email from Robert Thiel who stated that he and his wife had signed NCGP’s petitions and that they had been “been contacted by Green Party representatives, and asked them to delete our names.” Mr. Thiel was writing to confirm that his name had been removed. He explained that he was concerned not to “split democratic votes, from

the Democratic party and would lead to the Republican party, gaining an edge.” A true and correct copy of Mr. Thiel’s email is attached hereto as Exhibit C.

27. On or about June 27, 2022, I received a call from a man who falsely stated that he was a representative of the Green Party. The man asked me if I would like to remove my name from the NCGP petitions. I stated that I was confused and asked why a Green Party representative was calling to ask me to remove my name from NCGP’s petitions. The call was abruptly terminated, but not by me.

28. I have an audio recording of the phone call that I received on June 27, 2022, in M4A file format, which I am prepared to produce. The recording is one minute and 24 seconds long. Following is a true and accurate transcript of the portion of the call that I was able to record:

Ndege: May I ask who you’re calling with? What organization? Is this the Green Party?

Caller: Yes.

Ndege: You’re with the Green Party?

Caller: Yes, and we have you listed as wanting to get the candidates on the North Carolina ballot. Did you sign that?

Ndege: So, so, you are calling as a representative of the Green Party?

Caller: As a volunteer, yes.

Ndege: OK. Um, yeah, I did sign it.

Caller: OK, and would you say you strongly support it or somewhat support it?

Ndege: I mean, I don’t think I’d sign something unless I strongly support it.

Caller: OK. Well, thank you for confirming. And while participation in elections is important, if the Green Party is on the ballot it will take votes away from Democratic [*sic*] and give Republicans a huge advantage and will help them win North Carolina in 2022 and 2024. There is far too much at stake to let this happen. Are you interested in asking to have your name removed from this petition or leave it as is?



Ndege: I'm confused sir. If you're with the Green Party why are you asking to remove? I'm sorry?

Caller: Yes, I totally – .

The call is terminated mid-sentence, after the caller says “totally”. I did not terminate the call.

29. On June 29, 2022, Michael Vincent Abucewicz sent a letter to NCSBE “to raise concerns about the sufficiency of information provided to signers” of NCGP’s petitions. Mr. Abucewicz asserted that “[a] growing number of signatories to the petitions now swear under penalty of perjury that they were misled by the party’s signature gatherers about the petition’s purpose.” Mr. Abucewicz identified Jacquelyn Lopez of Elias Law Group as his counsel. Mr. Abucewicz’s letter to NCSBE is available on NCSBE’s website at [https://dl.ncsbe.gov/index.html?prefix=State\\_Board\\_Meeting\\_Docs/2022-06-30/Green%20Party%20Petition/](https://dl.ncsbe.gov/index.html?prefix=State_Board_Meeting_Docs/2022-06-30/Green%20Party%20Petition/) (accessed July 19, 2022).

30. Many of Mr. Abucewicz’s allegations are demonstrably false. They rely on selective quotations from NCGP’s written instructions for petition circulators, *see infra* at ¶ 10, which are taken out of context in a manner that distorts and misrepresents their meaning.

31. NCGP did not instruct petition circulators to attempt to mislead potential signers in any way. In fact, the opposite is true. As the aforementioned written instructions state, for example:

It’s a good idea to approach people with the question “Are you registered to vote in North Carolina?” which starts out on a positive note since most people will say yes, and it weeds out the ones who can’t sign. Before they can walk away, follow up quickly with “Then you can sign our petition. What county are you registered in?” so you can start to present the petition sheet while you explain the purpose of it – trying to get the Green Party on the ballot [emphasis added].

The instructions continue:

Be ready with a brief description of what the GP stands for. Having a brochure or flyer to hand out is helpful, but simply saying that the NCGP supports “social,

racial, economic, and environmental justice” is effective and straightforward. Point out that more choices mean more democracy, and assure folks that signing will not put them on a mailing list. Their personal information goes to the State Board of Elections and is not kept or used by us [emphasis added].

32. On June 30, 2022, I submitted to NCSBE on behalf of NCGP a written response to Mr. Abucewicz’s letter. That response is attached hereto as Exhibit D. The response addresses Mr. Abucewicz’s allegations one by one, and demonstrates that his allegations are directly contradicted by NCGP’s written instructions for petition circulators. Those instructions, reference *supra* at ¶ 10, are attached as an exhibit to the response I submitted to NCSBE (Exhibit D hereto).

33. NCSBE did not respond to the June 30, 2022 response that I submitted to Mr. Abucewicz’s letter. NCSBE did not otherwise provide NCGP any opportunity to address the letter or rebut its allegations.

34. During the course of NCGP’s petition drive, our petition circulators obtained signatures from tens of thousands of voters, and they spoke with tens of thousands more voters who did not sign the petitions. Neither NCSBE nor any county board of elections has notified NCGP that they received a single complaint from any individual, other than Mr. Abucewicz, regarding the conduct of our petition circulators or any aspect of our petition drive.

35. On information and belief, Mr. Abucewicz served as the North Carolina Democratic Party’s Deputy Get Out the Vote Director in 2020, and its Regional Get Out the Vote Director and Regional Field Director in 2018. *See* Profile, Michael Abucewicz (Raleigh, North Carolina), available at <https://www.linkedin.com/in/michael-abucewicz/> (accessed July 19, 2022).

36. One June 29, 2022, Hoh Campaign Manager Rose Roby sent NCSBE a letter documenting the harassment and fraud perpetrated against NCGP petition signers. That letter is attached to the Amended Complaint as Exhibit 1.

#### **NCSBE’s Failure to Certify NCGP as a New Political Party**

37. On June 7, 2022 – the same day that Elias Law Group Attorney Poston requested materials relating to NCGP’s petition drive from NCSBE – David Richards, an NCSBE investigator, contacted NCGP via email. Mr. Richards stated, “We have some questions regarding petitions submitted to several counties.” He requested that an NCGP representative contact him to discuss the matter.

38. At NCGP’s request, Mr. Richards provided his questions in writing. On June 16, 2022, NCGP responded in writing and provided thorough, detailed answers to each question. NCGP’s written response, which incorporates Mr. Richards’ questions, is attached to the Amended Complaint as Exhibit 2.

39. As the days, then weeks, passed without any action by NCSBE to certify NCGP’s petitions, we grew increasingly concerned but also perplexed as to why NCSBE had not certified the petitions. Hearing nothing more from NCSBE, on June 20, 2022 and June 21, 2022, NCGP contacted NCSBE to ask whether it had sufficient information to resolve its inquiries. NCGP also requested the opportunity to meet with NCSBE investigators to discuss their inquiries and to review any petition signatures at issue.

40. On June 21, 2022, NCSBE attorney Candace Marshall sent NCGP additional questions. NCGP provided a detailed and complete written response to those questions on June 22, 2022. The response included, *inter alia*, the full name, residential address, email address and telephone number of all 28 volunteer petition circulators and 16 petition circulators who were paid by NCGP or the Hoh Campaign. The response also provided detailed information regarding two petitioning firms that together collected approximately 1,381 signatures before their contracts were terminated for non-performance. Additionally, the response identified and provided complete contact information for three subcontractors from one of the firms, which the Hoh Campaign

briefly hired for one week from May 11-17, 2022. The response further provided copies of the contracts it executed with the petitioning firms and the subcontractors. The response is attached to the Amended Complaint as Exhibit 3.

41. NCGP fully and voluntarily cooperated with NCSBE at each stage of its inquiry. NCGP provided all pertinent information and documentation in its possession promptly upon request. At no time during the course of the inquiry did NCSBE provide NCGP notice of which specific signatures it was investigating or its grounds for investigating any particular signature. NCSBE did not provide NCGP with notice or opportunity to defend the validity of any signature.

42. Prior to the June 30, 2022 meeting at which NCSBE intended to consider the certification of NCGP's petitions, NCGP requested that it be permitted to be represented at the meeting. NCSBE advised NCGP that it would be allowed one representative who would be permitted to make a statement at the beginning of the meeting lasting no more than five minutes.

43. When our attorney made his statement at the beginning of NCSBE's June 30, 2022 meeting, he had no notice of the specific grounds on which NCSBE was investigating any particular signature on NCGP's petitions, and thus no opportunity to defend the validity of such signatures. As a result, our attorney stated our affirmative case: that county boards of election had validated 2,088 more signatures on the NCGP petitions than the 13,865 required under state law, and that NCGP and its candidates had complied with all other applicable provisions of state law. He therefore asked NCSBE to certify the NCGP petitions forthwith, or to allow him to address any concerns they might have with doing so.

44. No NCSBE member asked our attorney a question or otherwise responded.

45. Thereafter, NCSBE executive director Karen Brinson Bell was recognized. She confirmed that county boards of elections had validated 15,953 signatures on the NCGP petitions,

which was 2,088 more than the requirement. But, Ms. Brinson Bell asserted, NCSBE had identified “irregularities” in the petitions, which in her view created “a cloud” over them. Ms. Brinson Bell also cited the allegations in Mr. Abucewicz’s letter, without identifying Mr. Abucewicz.

46. Ms. Brinson Bell did not acknowledge the letter that Hoh Campaign Manager Roby sent to NCSBE documenting the harassment and fraud perpetrated against NCGP petition signers.

47. At no time prior to NCSBE’s June 30, 2022 hearing, during the hearing, or thereafter did NCGP have the opportunity to address any evidence on which NCSBE relied to support its assertion that there were “irregularities” in NCGP’s petitions.

48. Instead, when our attorney asked to be recognized and inquired whether the asserted “irregularities” involved any one of the 15,953 signatures that county boards of elections had validated, NCSBE Chair Damon Circosta declined to answer the question, then ruled our attorney out of order and cut off his microphone and video feed.

49. NCSBE then voted 3-2, on party lines, not to certify NCGP’s petitions. Both Republican members voted to certify the petitions, but all three Democratic members voted against certification.

50. No NCSBE member cited any applicable provision of North Carolina law with which NCGP had failed to comply. No NCSBE member cited any statutory ground for concluding that the NCGP petitions were insufficient to warrant certification under North Carolina law. No NCSBE member who voted against certification even spoke on the issue, except for NCSBE Chair Circosta, who stated that he had too many “questions” to vote for certification.

51. In the weeks following the June 30, 2022 NCSBE hearing, multiple NCGP petition circulators have received phone calls and emails from NCSBE investigators requesting oral or

written interviews. We have instructed our petition circulators to comply with NCSBE's investigators, and to the best of our knowledge, they have.

52. For example, on July 8, 2022, NCSBE investigator Danielle Brinton emailed NCGP petition signer David Slesinger to thank him for agreeing to answer her questions. "I am reaching out to all individuals who worked on behalf of the Green Party recently getting signatures for their petition to get more information on their process," Ms. Brinton stated. A true and correct copy of that email is attached hereto as Exhibit E.

53. Other NCGP petition circulators who have been contacted by NCSBE investigators since the June 30, 2022 NCSBE meeting, and whom we have instructed to cooperate with the investigators, include Janie Ekere, Nicholas DiDonna and Javier Madrigal, Jr., to name a few.

54. NCSBE still has not produced any of the evidence on which it is relying to invalidate signatures that county boards of elections validated to NCGP, nor has NCSBE provided NCGP any opportunity to defend the validity of such signatures or the integrity of its petitioning process.

55. Meanwhile, the number of signatures on NCGP's petitions that county boards of elections previously validated continues to go down on the NCSBE website's Petition Page. *See* North Carolina State Board of Elections, Petition Search (North Carolina Green Party), *available at* <https://vt.ncsbe.gov/PetLkup/PetitionResult/?CountyID=0&PetitionName=NORTH%20CAROLINA%20GREEN%20PARTY>. As of July 20, 2022, that number had dropped to 15,828.

56. I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct.

Executed: July 21, 2022

  
Anthony Ndege  
Co-Chair  
North Carolina Green Party

## **EXHIBIT A**

**(Screenshot of NCSBE Website Petition Page (May 31, 2022))**



New Search

	Petition Name	Required Signatures	Total Counties	Total Checked Signature	Total Valid Signature	Status	Certified Date	Filing Date	Expiration Date
+	NORTH CAROLINA GREEN PARTY	13,865	100	21,807	16,145	IN-PROGRESS		02/08/2021	06/01/2024

## **EXHIBIT B**

**(Excel Spreadsheet Obtained From NCSBE)**

Created At	Request Text	Requester Name	Requester Company
06/03/2022 10:25:58 AM	Dear Sir or Madam: Purs	Amelia Brown	
06/07/2022 09:07:56 PM	Pursuant to Chapter 132	Elizabeth Poston	Elias Law Group LLP
06/17/2022 08:11:38 AM	Pursuant to Chapter 132	Elizabeth Poston	Elias Law Group LLP
06/23/2022 09:20:22 PM	Please send me via email	Michael Trudeau	North Carolina Green Par

## **EXHIBIT C**

**(Email Request From Robert Thiel to NGCP)**

From: **Robert Thiel** <[REDACTED]>  
Date: Mon, Jun 27, 2022, 2:17 PM  
Subject: Re: Account activation instructions  
To: NC Green Party <[secretary@ncgreenparty.org](mailto:secretary@ncgreenparty.org)>

Dear Sir/Madam;

My wife and I, had made a mistake, by signing a petition for the Green Party, earlier this year, while visiting Wilmington, NC.

The reason of my concern is that it would split democratic votes, from the Democratic party and would lead to the Republic party, gaining edge. Please delete mine and my wife from that petition we signed in Wilmington. Our Names, Robert P Thiel, and Leslie K Thiel, of [REDACTED]. We have been contacted by Green Party representatives, and asked them to delete our names. Please confirm that this has happened. Thank You,  
Robert P. Thiel

## **EXHIBIT D**

**(NCGP Response to NCSBE (June 30, 2022))**



Dear Chairman Circosta,

Greetings. Please accept my submission of a brief rebuttal to the complaint lodged against the NC Green Party's certification by Mr. Abucewicz and Elias Law Group.

Per the complaint lodged [\[Exhibit A\]](#), Mr. Abucewicz states:

*"The Script explicitly and repeatedly instructed circulators not to discuss the purpose and intent of the Green Party. Indeed, far from complying with the statutory requirement, the Party in fact instructed circulators no fewer than six times to obfuscate the purpose and intent of their party, including the following instructions:*

- *'Don't lead with [names of Green Party leaders] or Green ideology'*<sup>4</sup>
- *"They do not have to support our party"*<sup>5</sup>
- *"Don't lead with ideology"*
- *"[A]void ideology if possible"*
- *"[W]e don't have to say what exactly we have in mind"*
- *"[A]void specific ideology or policy if possible. Name positive things everyone agrees with."*<sup>6</sup>

NC Green Party makes our script and training available in a link because we are a transparent and reputable organization with nothing to hide. We hope that the script and training for the contractors who have been calling, texting and visiting the residences of what appears to be thousands of people who have signed our petition for New Party recognition will be made available to the state.

**Several quotes above in the complaint are CLEARLY intentionally extracted in an unethically leading way (ACTUAL SCRIPT QUOTES BELOW) . It is, in our opinion, misleading to attribute a quote in quotation marks without using "... " or closing the quotation marks if the quote is not exact. It is absolutely astounding that these accusations were made.**

**This what our common-sense tips and instructions [\[Exhibit B\]](#) actually say:**

- **Always wear your mask and provide some way of sanitizing your pen and clipboard.**



- Be assertive and friendly and positive. Smile often. Wave. Flag down cars by holding up a finger
- and mouthing “One moment?” and pointing to your clipboard. People will stop.
- Don’t discriminate when asking people to sign. You’ll be continually surprised by who will sign.

**[COMMENT: the script clearly underscores that we are seeking people who agree with the right our party to be on the ballot. The purpose of the petition is not to show support for our candidates or intent to register as Green.]**

- Don’t lead with “Ralph Nader,” “Jill Stein,” “Howie Hawkins,” or Green ideology. Lead with the need for a new party and with the state limiting our right to run candidates.

**[COMMENT: Clearly it makes sense NOT to lead-off a discussion with former Presidential candidates, none of whom presently have an official leadership position with the GPUS National Committee. For one, there’s a distinct possibility that these three former candidates may never run again for President and none of them reside in North Carolina. Second, many if not most people who we approach would not know who they are. This would detract from the focus of the petition: the ballot qualified status and registration status for the NCGP. When we petitioned for write-in status for Jill Stein in 2016, we expressly mentioned Jill Stein. This all makes clear sense.]**

- If a person is hurrying into a building, ask them if you can have a moment of their time on their way out.
- Carry two or more clipboards with a petition sheet on each one and multiple pens so people don’t have to wait to sign. Tie the pen to the clipboard.
- Provide verbal instructions to make sure the signer fills out the petition completely and legibly.

**FROM OUR ACTUAL SCRIPT (not the extracted non-exact quotes in the complaint):**

***You: Hi! How are you doing today? Can I have a quick moment before you leave today? ...***





**You:** *I'm with the Green Party, and I need to collect signatures from voters just so we can run candidates in this state. [COMMENT: Obviously the script has us presenting who we are.] Right now the state doesn't let us run candidates—and we think we should be able to. If you agree we should be able to run candidates, are you willing to sign our petition? [COMMENT: This is the correct express purpose of the petition drive- not to only approach people who agree with our complete platform. Please show us where that is necessary?]*

**Potential signer:** *Well, what's the Green Party? Why the Green Party?*

**You:** *The Green Party is a separate political party, independent of both the Democrats and the Republicans. We believe we need more than just two parties to vote for and that competition and diversity make for a healthy political system. We don't think we have a healthy political system here in North Carolina, and so we think more parties are needed to get the two major parties to change for the better. [COMMENT: clearly the complaint is making false unethical claims about our instructions.]*

*[Again, avoid ideology if possible and get people to sign based on 1) freedom and 2) the need for a change. Most Americans claim they do not identify as either Democrat or Republican even though they might be registered as one, and most think the political system is broken. We do not simply want liberals, progressives, and leftists to sign; we want everyone to sign.] [COMMENT: We had to obtain hundreds of signatures per day, every day, to meet the requirement. Mr. Abucewicz would have us engage in protracted political discussion covering every possible nuance of Green Party positions, when we are being clear that we are forming a new party. Many people simply say that we need a new party and sign. More voices in the political process is the common refrain we hear from voters. That Mr. Abucewicz's clients do not agree with this sentiment is not grounds for complaint].*

**Potential signer:** *Well, yeah. But what kinds of things does the Green Party stand for?*

**You:** *We believe in quality education for everyone, quality healthcare for everyone, a quality environment for everyone to live in, including things like clean drinking water. We believe these things are rights and that the Democrats and Republicans are not providing them to us.*



**[Again, avoid specific ideology or policy if possible. Name positive things everyone agrees with. Even conservatives believe in quality education and health care, but we don't have to say what exactly we have in mind **to achieve those things**, unless we're specifically asked.]**

**[COMMENT: There are no requirements to discuss our entire platform per the General Statute or state guidelines. Bringing up controversial topics alienates the petitioner from many potential signers. This recommendation was written for the safety of our petitioners. More controversial issues often elicit very impassioned responses from the general public and could potentially put the circulator in a difficult situation that distracts from the drive. During petition drives our goal is to reach the general public - not only people who expressly agree with our "ideology" or platform. Also, we do not have the time to make sure our petitioners are fully trained in our entire platform. We do not want to expose petitioners to misrepresenting us to the public. Not every petitioner has to expressly agree with our entire platform. They could be out petitioning with friends and family.]**

**-----END OF OUR ACTUAL DOCUMENT QUOTES-----**

Clearly, from our instructions and script (which was improperly quoted and extracted out of context) we have not been training our petitioners to mislead the public about who we are. The vast majority of our petitioners are or have been active dues paying members of NCGP. Many of our petitioners were given hundreds of business sized cards and other literature with our website url and position pieces to hand out to people who sign. NCGP can furnish postal receipts and other examples of literature we sent petitioners. We were not hiding who we were and our petition form clearly states who we are.

**Regarding our contract with First Choice on January 31: it was canceled with a full refund because of First Choice's failure to collect signatures as contracted.** They were focused on a larger NC contract and did not collect many signatures at all. **They only submitted 109 signatures.** This has been documented and submitted to the SBE and is in our financial report to the state. Again, the vast majority of our petitioners were members or supporters of the NC Green Party. **[Exhibit C]**

NCGP finds it interesting that the complainant submitted a screenshot image of our [application](#) **[Exhibit D]** for petitioners. First, an application does not constitute an employment contract or represent the full training that we provide. It was meant to



provide a snapshot of what we were seeking from our stipend petitioners. People who answered our application and callback were typically given upward of an hour or more of training and we had weekly meetings for our petitioners that regularly went over an hour. Many petitioned alongside an experienced petitioner. In addition, our application contains the following information which applicants were required to read and check that they understood:

- Forging or signing for a signee is illegal.
- The petitioner could not be compensated for their own signature.
- The petitioner cannot pay anyone for signing.

In contrast, the canvassers (presumably paid for and/or organized by the Democratic Senatorial Campaign Committee or a subsidiary) who have been sent to people's homes have been participating in, what is in our opinion, clear intimidation and a violation of our signers privacy. What if someone who signed our petition lives with relatives, roommates, or partners who do not agree with our right to be on the ballot? Is it fair to expose the signer to this? It is not the job of the Democratic Senatorial Campaign Committee to do investigative work on behalf of the State or County boards of elections.

Regarding Mr. Abucewicz's intention to file a complaint regarding improper certification, this is simply, in our opinion, obfuscation and the use of a flurry of information to delay certification while the Democratic Senatorial Campaign Committee completes what we see as spamming and harassment of the people who signed our petition, and whom we promised that we would not contact unless they signed our contact sheet. Unless Abucewicz is willing to charge the county boards with deliberate criminal activity, he and the people he represents know that if the county approves a signature, then it is legitimately approved. Malfeasance or a mistake might inappropriately approve a signature, but Abucewicz is suggesting wholesale incompetence or corruption at the county boards. If that is his intent he should be clear about it.

Regarding no corresponding signatures, if a petition entry was not signed then it was not approved. The complainant appears to have no understanding of the petition process here.

Regarding the complaint "... on behalf of voters not registered to vote within the counties where their signatures were certified.", it is perfectly normal that people signing petitions



may sign while not seeing that the sheet they are signing is not for the county they are registered to vote in. This happens often at events where many people are trying to sign at a single table or location. Experienced petitioners watch for it, since the signature won't count unless the signer resides in the county to which the sheet applies. If it occurs and is submitted, the county board rejects the signature. Again, the complainant has made in our opinion, irrelevant observations that will not affect the outcome of the petition.

Regarding the complaint "filed with the relevant County Board of Elections after the statutorily prescribed deadline of May 17, 2022", our reply is "so what?" The state knew that petitions would be received late due to mailing delays and to some petitioners sending the sheets directly to the county boards without recognizing the deadline. The state instructed the county boards to disregard all signatures received after May 17. The county boards implemented this instruction with such fervor and alacrity that they even rejected signatures received before the deadline, as we have documented to the state.

Regarding the charge, "... included sheets that failed to identify the correct chairperson of the proposed new party, as required by North Carolina law.", this issue was settled months ago by the State Board of Elections and resulted in rejected signatures accordingly.

In our opinion Mr. Abucewicz and his associates, as well as the DSCC, are engaged in an unethical campaign, and will not produce a single substantive argument against our immediate certification in their proposed complaints. **Our compliance and submission of at least 2200 signatures above the threshold of 13,865 valid signatures must be acknowledged forthwith.**

EXHIBIT A. [Complaint](#)

EXHIBIT B. [Tips and Instructions](#)

EXHIBIT C. [Submitted evidence of our full refund from First Choice](#)

EXHIBIT D. [Application for paid stipend petitioners.](#)

Warm Regards,  
Tony Ndege  
Cochair, NC Green Party



**TO GET ON THE BALLOT, NC GREEN PARTY MUST COLLECT APPROX  
14,000 VALID SIGNATURES! PLEASE VISIT  
[WWW.NCGREENPARTY.ORG/PETITION](http://WWW.NCGREENPARTY.ORG/PETITION) TO HELP US GET THERE TODAY!  
PETITION IS IN THE DOCUMENT BELOW OR [AT THIS LINK](#)**

## **Tips, Instructions, and Script for Ballot Access Petitioning**

### **Quick Tips**

- Always wear your mask and provide some way of sanitizing your pen and clipboard.
- Be assertive and friendly and positive. Smile often. Wave. Flag down cars by holding up a finger and mouthing "One moment?" and pointing to your clipboard. People will stop.
- Don't discriminate when asking people to sign. You'll be continually surprised by who will sign.
- Don't lead with "Ralph Nader," "Jill Stein," "Howie Hawkins," or Green ideology. Lead with the need for a new party and with the state limiting our right to run candidates.
- If a person is hurrying into a building, ask them if you can have a moment of their time on their way out.
- Carry two or more clipboards with a petition sheet on each one and multiple pens so people don't have to wait to sign. Tie the pen to the clipboard.
- Provide verbal instructions to make sure the signer fills out the petition completely and legibly.

### **Instructions and Extended Tips**

#### **Submitting Your Petition Sheets**

After petitioning or at monthly intervals if you are gathering informally, mail your petition sheets to the NCGP at

**NCGP Petition Drive  
PO Box 6022  
Cary, NC 27519**

Alternatively, you can submit them to the appropriate county Board of Elections directly via mail or walk-in. However, be careful—if the petition sheet is for Wake County, for example, do not return the sheet to a different county's Board of Elections. See below for more details.

You do not have to wait until a sheet is filled completely before submitting. Partially completed sheets are perfectly fine, even if there is only one signature. Every signature counts as long as it provides the required information.

#### **Petition Sheets**

Anyone may gather petition signatures, but only registered North Carolina voters may sign the petition. Since the petition sheets are submitted to county boards of election for verification, **separate petition sheets must be used for each county**, with the county name filled in at the top. It's a good idea to carry several blank sheets and clipboards with you, since you will probably

run into signers from other counties wherever you are, and multiple clipboards will keep folks from having to wait to sign.

Petition sheets can be downloaded from the [NCGP website](#) and copied as needed. Be sure to use the latest sheet that's been posted, not old sheets from a few years ago, since the current petitioning campaign has to use the form approved by the State Board of Elections. You should also carry a few voter registration forms for those who haven't gotten around to it yet.

### Getting Signatures

It's a good idea to approach people with the question "Are you registered to vote in North Carolina?" which starts out on a positive note since most people will say yes, and it weeds out the ones who can't sign. Before they can walk away, follow up quickly with "Then you can sign our petition. What county are you registered in?" so you can start to present the petition sheet while you explain the purpose of it – trying to get the Green Party on the ballot. Remember, we want signatures from **any NC registered voter**. They do not have to support our party or agree with our politics, just our democratic right to exist.

Be ready with a brief description of what the GP stands for. Having a brochure or flyer to hand out is helpful, but simply saying that the NCGP supports "social, racial, economic, and environmental justice" is effective and straightforward. Point out that more choices mean more democracy, and assure folks that signing will not put them on a mailing list. Their personal information goes to the State Board of Elections and is not kept or used by us.

**Be sure that their handwriting is legible**, since it will be thrown out if the BOE can't read it easily. They should print until they get to the signature field at the end. Make sure they know that **the date required is their birth date**, which the BOE uses as identification, not today's date. The address should match their voter registration—if **they're still registered at an old address, they should use that one**.

If they're not sure if they've signed before, get them to sign anyway—only one of their signatures will count. If they are not registered to vote and would like to register, give them a registration form and get them to sign—offer to send the form in for them if they fill it out now. If they mess up, best to cross out and start fresh on a new line.

If it's just you petitioning, it can really cut into your signature—gathering time to have debates and discussions, but it is good outreach to answer people's questions and generally be sociable.

### Location

During the Covid-19 pandemic, our petitioning drive is impacted by the need to respect social distancing requirements. We will be engaging in a door-hanger campaign to distribute petitioning instructions and materials to currently registered NC Greens, and we will emphasize collecting from family and friends, instead of focusing on tabling at events and large gatherings.

But if you choose a location in a public area to petition, such as outside a public library or post office, or an official polling place on Election Day, a college campus, or sidewalks where there is a steady stream of traffic, be mindful of social distancing and always wear your mask. Provide hand sanitizer or alcohol wipes that contain at least 70% alcohol. We recommend wearing gloves both to save your skin from frequent use of hand sanitizer and to reassure the public that you're mindful of their health and safety. Get permission if you are in a commercial area. Some local bookstores and groceries will let you table outside their doors, but shopping centers seldom allow it. Petitioning door-to-door is less time efficient, but it can be done.

Thank you for your effort! Every little bit helps!



**PETITION TO CREATE A NEW POLITICAL PARTY (NCGS § 163-96 (a)(2))**

THE UNDERSIGNED QUALIFIED REGISTERED VOTERS IN \_\_\_\_\_ COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY

TO BE NAMED NORTH CAROLINA GREEN PARTY AND WHOSE STATE CHAIRMAN IS ANTHONY NDEGE, RESIDING AT 1713 CHAPEL STREET, WINSTON-SALEM 27127,

AND WHO CAN BE REACHED BY TELEPHONE AT 336-577-1421.

**IT IS ILLEGAL TO SIGN THE NAME OF ANOTHER PERSON TO A PETITION. (G.S. 163-221)**

BOE ONLY	Line No.	Print your name (must be printed legibly)	Residence Address and City/Town (no PO Box numbers)	ZIP code	Birth date (DD/MM/YYYY)	Signature
	1					
	2					
	3					
	4					
	5					
	6					
	7					
	8					
	9					
	10					
	11					
	12					
	13					
	14					
	15					

***SUBMIT COMPLETED FORMS TO THE OFFICE OF (COUNTY) BOARD OF ELECTIONS.***

**Board of Elections use only**

Page \_\_\_\_\_ of \_\_\_\_\_ pages      Batch No \_\_\_\_\_

Date received \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## Stay Connected

Make sure you [join NCGP Volunteer Slack workspace](#) to stay connected with other petitioners and NCGP organizers. If you're having trouble joining our Slack, or if you have any other questions, call or text NCGP secretary Michael Trudeau at 314-337-2154 or email [secretary@ncgreenparty.org](mailto:secretary@ncgreenparty.org).

## Sample Petition Sheet

Write in a county name in pen. All signers of this particular sheet must be registered to vote in that county—in this example, Wake County. If you encounter someone registered in a different county, you must start a new sheet for that county.

### PETITION TO CREATE A NEW POLITICAL PARTY (NCGS § 163-96 (a)(2))

THE UNDERSIGNED QUALIFIED REGISTERED VOTERS IN Wake COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY TO BE NAMED NORTH CAROLINA GREEN PARTY AND WHOSE STATE CHAIRMAN IS ANTHONY NDEGE, RESIDING AT 1713 CHAPEL STREET, WINSTON-SALEM 27127, AND WHO CAN BE REACHED BY TELEPHONE AT 336-577-1421.

### IT IS ILLEGAL TO SIGN THE NAME OF ANOTHER PERSON TO A PETITION. (G. S. 163-221)

BOE ONLY	Line No.	Print your name (must be printed legibly)	Residence Address and City/Town (no PO Box numbers)	ZIP code	Birth date (DD/MM/YYYY)	Signature
	1	Michael Trudeau	112 Reton Ct., Cary	27513	10/12/1980	<i>Michael</i>
	2					
	3					
	7					
	8					
	9					
	10					
	11					
	12					
	13					
	14					
	15					

To sign this particular sheet, this person must be registered to vote in Wake County, per the county written at the top of the sheet.

Name, address, ZIP, and DOB must be legible and printed. All columns in a row must be filled out. PO Box numbers will not be counted.

Birth date, not today's date.

The voter must sign. It is illegal to sign for others.

Blank rows are OK; not all rows on the petition sheet need to be used in order for the signatures to be counted. But a partially filled-out row is not acceptable; all columns must be completed for that person's signature to be counted.

SUBMIT COMPLETED FORMS TO THE OFFICE OF {COUNTY} BOARD OF ELECTIONS.

Or mail to:  
NCGP Petition Drive  
PO Box 6022  
Cary, NC 27519

Board of Elections use only

Page \_\_\_\_ of \_\_\_\_ pages

Batch No. \_\_\_\_

Date received \_\_\_\_/\_\_\_\_/\_\_\_\_



## Sample Script

by Michael Trudeau, North Carolina Green Party

You: Hi! How are you doing today? *Can I have a quick moment before you leave today?*

[Not "Do you have a moment?" Most people are more likely to say no, they don't have time, than to say no to doing you a favor.]

You: *I'm with the Green Party, and I need to collect signatures from voters just so we can run candidates in this state. Right now the state doesn't let us run candidates—and we think we should be able to. If you agree we should be able to run candidates, are you willing to sign our petition?*

[Get to the point. This simple pitch should be enough in most cases to get the person to sign. Don't lead with ideology, Stein, Hawkins, or Nader. Frame it as an issue of the state against our freedoms—an idea that attracts all people.]

Potential signer: *Well, what's the Green Party? Why the Green Party?*

You: *The Green Party is a separate political party, independent of both the Democrats and the Republicans. We believe we need more than just two parties to vote for and that competition and diversity make for a healthy political system. We don't think we have a healthy political system here in North Carolina, and so we think more parties are needed to get the two major parties to change for the better.*

[Again, avoid ideology if possible and get people to sign based on 1) freedom and 2) the need for a change. Most Americans claim they do not identify as either Democrat or Republican even though they might be registered as one, and most think the political system is broken. We do not simply want liberals, progressives, and leftists to sign; we want everyone to sign.]

Potential signer: *Well, yeah. But what kinds of things does the Green Party stand for?*

You: *We believe in quality education for everyone, quality healthcare for everyone, a quality environment for everyone to live in, including things like clean drinking water. We believe these things are rights and that the Democrats and Republicans are not providing them to us.*

[Again, avoid specific ideology or policy if possible. Name positive things everyone agrees with. Even conservatives believe in quality education and health care, but we don't have to say what exactly we have in mind to achieve those things, unless we're specifically asked.]

Potential signer: *Well . . . I'm not a Green. I don't want to sign up and get emails from you and stuff.*

You: *Any voter can sign this petition. I get Democrats, Republicans, and independents who sign. Signing doesn't mean you're joining us, that you're committing to us, or even that you necessarily agree with our positions. It just means you think we have the right to run candidates for office or that you think we need more than two options to vote for. This petition sheet goes to the Board of Elections. Our party doesn't use the info otherwise. All the Board of Elections does is check your name and info against voter registration info in your county.*

Case 5:22-cv-00276-D-BM Document 28-1 Filed 07/21/22 Page 33 of 35

Signer: *Count me in! [happily signs petition sheet]*

## **EXHIBIT E**

**(Email From Danielle Brinton to David Slesinger)**

**From:** Brinton, Danielle <[danielle.brinton@ncsbe.gov](mailto:danielle.brinton@ncsbe.gov)>  
**To:** [davidslesinger@yahoo.com](mailto:davidslesinger@yahoo.com) <[davidslesinger@yahoo.com](mailto:davidslesinger@yahoo.com)>  
**Sent:** Friday, July 8, 2022 at 04:22:06 PM EDT  
**Subject:** Green Party Questions

Dear Mr. Slesinger,

Thank you for agreeing to answer some questions for me. I am reaching out to all individuals who worked on behalf of the Green Party recently getting signatures for their petition to get more information on their process. Below are some questions I had for you:

Approximately when and how long did you work collecting petition signatures for the Green Party? Where did you collect signatures? Was it door to door, at a festival, at a certain location, etc.? Approximately how many signatures did you collect? Were you paid? And if so, how much were you paid and how were you paid? Did you work directly for the Green Party or a third-party contractor/organization? Did you work alone or with other individuals? Who did you turn your petition signatures in to? Was there was process of verifying the signatures as registered voters before they were turned in? Did you work with any individuals by the name of Joshua Mullins, La'Courtney (ACE) Griffin, or John Williams?

Thanks again for your help!

Sincerely,

**Danielle Brinton**

Investigator

Office: (919) 814-0788

Cell: (984)233-9076